

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**IN RE: NATIONAL COLLEGIATE  
ATHLETIC ASSOCIATION STUDENT-  
ATHLETE CONCUSSION LITIGATION**

MDL NO. 2492

Master Docket No. 13-cv-09116

Judge John Z. Lee

Magistrate Judge Geraldine Soat  
Brown

**PLAINTIFFS' MOTION FOR LEAVE TO FILE 27-PAGE REPLY  
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY  
APPROVAL OF SETTLEMENT (RESPONSE TO THE NICHOLS' OPPOSITION)**

Plaintiffs Adrian Arrington, Derek Owens, Kyle Solomon, Angela Palacios, Abram Robert Wolf, Sean Sweeney, Jim O'Conner, Dan Ahern, Paul Morgan, Jeffrey Caldwell, John DuRocher, and Sharron Washington (collectively, the "Settlement Class Representatives"), on behalf of themselves and as representatives of the Settlement Class, for their Motion for Leave to File, state as follows:

1. On July 29, 2014, Class Representatives filed their Motion for Preliminary Approval of Class Settlement and Certification of Settlement Class ("Motion") seeking preliminary approval of a settlement agreement (the "Settlement Agreement") entered into with the NCAA.<sup>1</sup>

2. The Motion was addressed by the Court on July 20, 2014, and following the hearing, the Court issued Case Management Order No. 2, permitting the plaintiff in *Nichols v. National Collegiate Athletic Association*, No. 14-cv-0962 ("Nichols") to file an objection to the

---

<sup>1</sup> See Motion for Preliminary Approval (Dkt. No. 64).

Motion for Preliminary Approval by August 22, 2014. Nichols was allotted a total of 30 pages for his submission.<sup>2</sup>

3. On August 22, 2014, Nichols filed a Response to Plaintiffs' Motion for Preliminary Approval of Class Settlement.<sup>3</sup>

4. To address the issues raised by Nichols' Response to Plaintiffs' Motion for Preliminary Approval of Settlement, Plaintiffs request leave to file a reply brief in support of their Motion not to exceed 27 pages *instanter*. A copy of the proposed Reply is attached as Exhibit A.

WHEREFORE, Plaintiffs respectfully request that the Court grant their motion, and enter an order granting Plaintiffs' leave to file a reply not to exceed 27 pages.

Date: September 5, 2014

Respectfully submitted,

By: /s/ Steve W. Berman  
Steve W. Berman  
*steve@hbsslaw.com*  
HAGENS BERMAN SOBOL SHAPIRO LLP  
1918 Eighth Avenue, Suite 3300  
Seattle, WA 98101  
206.623.7292  
Fax: 206.623.0594

Elizabeth A. Fegan  
*beth@hbsslaw.com*  
Thomas E. Ahlering  
*toma@hbsslaw.com*  
HAGENS BERMAN SOBOL SHAPIRO LLP  
1144 W. Lake Street, Suite 400  
Oak Park, IL 60301  
708.628.4949  
Fax: 708.628.4950

---

<sup>2</sup> See Case Management Order No. 2, at 2 (Dkt. No. 74).

<sup>3</sup> See Dkt. No. 83.

Joseph J. Siprut  
*jsiprut@siprut.com*  
Gregg M. Barbakoff  
*gbarbakoff@siprut.com*  
SIPRUT PC  
17 North State Street  
Suite 1600  
Chicago, IL 60602  
312.236.0000  
Fax: 312.878.1342

*Lead Counsel*

Richard Lewis  
HAUSFELD LLP  
1700 K Street, NW Suite 650  
Washington, DC 20006

*Special Class Counsel for Medical Monitoring Relief*

Charles Zimmerman  
ZIMMERMAN REED  
1100 IDS Center  
80 South 8th St.  
Minneapolis, MN 55402

James Dugan  
DUGAN LAW FIRM, APLC  
One Canal Place, Suite 1000  
365 Canal Street  
New Orleans, LA 70130

Mark Zamora  
THE ORLANDO FIRM, P.C.  
315 West Ponce De Leon Ave  
Suite 400  
Decatur, Georgia 30030

*Executive Committee for Plaintiffs*

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on September 5, 2014, a true and correct copy of the foregoing was filed electronically via CM/ECF, which caused notice to be sent to all counsel of record.

By: /s/ Steve W. Berman